

**SUBJECT:** Increasing penalties for non-fatal mass shootings

**COMMITTEE:** Community Safety, Select — favorable, without amendment

**VOTE:** 9 ayes — Guillen, Bowers, Burrows, Dorazio, Goodwin, Harless, T. King, Landgraf, Troxclair

0 nays

4 absent — Jarvis Johnson, Canales, Holland, Moody

**WITNESSES:** For — Jessica Anderson, Houston Police Department; CJ Grisham, Open Carry Texas (*Registered, but did not testify*: Robin Breed, Molly Bursey, Cilicia Landers, Heidi Ragsdale, and Sarah West, Moms Demand Action; Susana Carranza, League of Women Voters of Texas; Nicole Golden, Texas Gun Sense; Ray Hunt, Houston Police Officers' Union; Andy Kahan, Crime Stoppers Houston; Suzi Kennon, Texas PTA; Joe Morris, Game Warden Peace Officers Association; Laura Nodolf, Midland County District Attorney's Office; James Parnell, Dallas Police Association; Ambreen Rana, Moms Demand Action for Gun Sense in America Texas Chapter; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Cynthia Van Maanen, Travis County Democratic Party; and nine individuals)

Against — (*Registered, but did not testify*: Michael Belsick; Richard Bohnert; Henry Bohnert; Greg Rising)

**DIGEST:** HB 165 would define a "mass shooting" as an event involving the use of a firearm to cause or try to cause serious bodily injury or death, during which four or more people are injured.

**Increasing a penalty.** HB 165 would elevate the penalty for aggravated assault from a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) to a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) if the

offense was committed as part of a mass shooting.

**Consecutive sentencing.** HB 165 would require that sentences for crimes that were committed as part of the same event and were each punishable as first-degree felonies be served consecutively.

**Right to severance.** HB 165 would remove a defendant's right to have the offenses tried separately if the defendant committed two or more offenses as part of a mass shooting. If the court found that the defendant would be unfairly prejudiced by the joining of offenses, a judge could order the offenses to be tried separately.

The bill would take effect September 1, 2023 and would apply only to offenses committed on or after the effective date of the bill.

**SUPPORTERS  
SAY:**

HB 165 would allow non-fatal mass shootings to be more appropriately punished by categorizing these offenses as first-degree felonies. Increasing the penalty would ensure that perpetrators of mass shootings were punished the same whether or not the crime resulted in death. Allowing the offenses to be served consecutively and prohibiting the right to severance would highlight the severity of mass shootings and increase safety while holding perpetrators accountable for the injuries they inflict.

**CRITICS  
SAY:**

HB 165 would unfairly punish offenders for their use of a gun during an assault. Criminal penalties should be elevated based on the effect of the crime rather than the type of weapon.